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ADDRESS TO AMERICAN SOCIETY OF NEWSPAPER EDITORS

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Director of Central Intelligence
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Change is the one constant in the intelligence profession today. Technological advances are revolutionizing intelligence work, just as world events are changing and broadening its focus. This is no different for us than it is for you.

But the change I would like to talk about today is the vast change in the environment in which we must work. A change of which you are an important part.

In the past, American intelligence activities were largely isolated and secret, like those of other nations. Since 1975, with the Church Committee, the Pike Committee, the Rockefeller Commission; with new oversight by the Congress, the White House, and the Intelligence Oversight Board, we are on your front pages all the time. The result is that today the intelligence profession must adapt so that it can be more open with the public, yet control that openness so that we can still do our job effectively.

The impact of this change has been both good and bad. It has four dimensions: first, it has impacted on our internal operations and organization; second, on how we work with the rest of the Executive Branch; third, with the Legislative Branch; and fourth, with you, the media and, through you, with the public. Whether with these changes in the way we operate we can do the job the country wants and needs is rightfully an issue of public concern. Let me, then, look at each of these dimensions in the light of the considerable discussion today about how freely the CIA should be allowed to operate; where it is too shackled; and how it should be unshackled. And, if there is some unshackling, are there risks to our Constitutional rights?

First, the internal dimension - At what point does secrecy breed problems? Internally the CIA has a number of departments, each doing a different part of the Agency's work. They used to be carefully compartmented from each other to help protect secrets by minimizing, even within the organization, the access to sensitive operations.

Obviously, there are risks when compartmentation is too tight: people may make decisions without all of the available facts, or judgment on a given decision may be too narrowly focused. If there were mistakes in the past, I suspect that they were because the Agency was operating with too narrow a perspective. It was not maliciousness or callousness, or that the Agency was ever out of control. It was not.

Today, to ensure that compartmentation does not impede sound judgment, we are moving toward a more corporate organizational structure. I use corporate in the sense that we are becoming more consultative, more collegial, better organized for long run decisionmaking. We are trying not to become bureaucratic and less flexible as we mature.

In the CIA today, all major decisions are vetted through our key officers. One of those always is our General Counsel. You can't do much without running into the law today. Another is our Legislative Counsel, because most of what we do has some interface on Capital Hill. And another is our Public Affairs Officer, simply because we are subjected to more public scrutiny than in the past.

The disadvantage of this more corporate approach is that as you increase the number of those who know about a secret activity, you also increase the level of risk that that activity will be compromised. To reduce that risk, while we expand the number of offices participating in decisionmaking we try to minimize the number of individuals who participate and the degree of detail that an individual needs to carry out his role. We are trying to find a happy medium between the dangers of isolated decisionmaking and the proliferation of information about sensitive activities to a point that they will no longer be secret.

A second change in our environment is that the CIA is less independent externally today as well. We are less like a small family business than we used to be. In the Executive Branch, we are more like one part of a corporate conglomerate. Our board of directors is the National Security Council, chaired by the President. It provides a far greater degree of direction to our collection, analysis and covert actions than has ever been the case before.

There are pluses and minuses to this, as well. A big plus is that it ties us intimately to the policymakers and their deliberations. We can be more effective in providing the data which they need if we know what their concerns really are.

A minus, however, is that the probability of a damaging leak of secret information is geometrically proportional to the number of people who know it. It doesn't matter much who the people are. Within the Executive Branch there is always the danger that people with misplaced loyalties will try to influence policy by taking their case to the public through the leaking of secret information. The inhibitions of self-restraint and patriotism that prevailed in this country before Vietnam are less prevalent in this no-holds-barred, post-Watergate environment. I can assure you it makes the job of intelligence much more difficult.

A third dimension is the greater interplay we have with the Congress. In years past, a few senior Senators and Representatives were kept informed, but the general attitude was, don't tell me too much; I want to stay out of that.

Today, that attitude is long gone.

Again there are pluses and minuses. The advice and counsel of the Congress helps us to keep in closer touch with the public, and helps us to understand what is expected. It also means that they can provide us with a more detached insight into our activities, and ultimately share some responsibility for what we do.

The primary disadvantage is, again, the danger of leaks. In terms of leaks, Congress is no better nor worse than the Executive Branch.

Overall, the process of sharing with the Congress and gaining their advice has worked well in the three years I have been privileged to participate in it. I want to continue that relationship. Why then does there seem to be a controversy over that relationship?

- We are attempting to codify current practices into law. What is happening, I'm afraid, is that, in trying to translate into law what current practice is, we are attempting to establish a degree of precision which cannot be achieved. Intelligence is not a science. It is a craft - even, at times, an art. An element of trust is vital because without it, flexibility is lost. And, an intelligence organization that lacks flexibility is just another bureaucracy.

This effort to replace some trust with all law concentrates on two particular issues. How soon should we notify the Congress of what we are doing; and at what level of detail?

The question of how soon we notify the Congress is, at its essence, a constitutional issue. It brings into question what the Founding Fathers intended when they separated the powers of the government. The power given the Congress in the Constitution is essentially the power to appropriate, to legislate, to impeach and for the Senate to advise and consent on Executive appointments. There is no provision in the Constitution for prior consultation by the Executive with the Legislature on actions the Executive is taking within this constitutional sphere.

A recent editorial in a major newspaper revealed how much confusion there is on this division of authorities today. It complained that if the Congress was not informed of intelligence community actions in advance of their implementation, the President would be deprived of Congressional consultation. Consultation has a nice voluntary ring to it. But, when consultation is prescribed by law it is not voluntary. It becomes a mechanism for pre-judging and, consequently, for controlling Presidential actions. If the Congress were to pre-judge every Presidential action and be able to veto it in advance, the President would be unable to negotiate treaties, act on domestic emergencies, control our exports and imports, or take any number of actions which he must be able to take for the best interests of this country. Foreign intelligence is no different. De facto Congressional veto power would deny the President the opportunity to take necessary initiatives - to lead. Instead, he would become, at the least, an adjunct of the Congress; at the worst, its puppet.

With respect to the amount of detail we must share with the Congress, our concern is less with the actual sharing than with the perception of others. Outside of our country, there are few who understand why and how we bring Congress into the intelligence process. Agents of ours overseas and intelligence services on whom we depend know that their effectiveness, even their well being, depends on secrecy. They also know that a politician's viability depends to a large extent on public relations. We cannot easily persuade them that if share information about our dealings with them in intimate detail with the Congress, that it can be kept private. And, when they are not convinced that their equities, maybe their lives, can be protected, then they usually choose not to take the risk. The loss is ours.

In practice, in my three years of association with the committees of Congress, they have exercised extraordinarily good judgment and have not pressed us for a level of detail that was unnecessary. To my knowledge, they have never complained that we have provided them with inadequate detail to perform their oversight role effectively.

Finally, this greater openness has changed our relationship with you of the Fourth Estate and with the American public. We need and seek better public understanding. No important public institution in this country can survive unless it has the confidence and support of the American public. We have tried in recent years to be more open with you. But, we have been more open in terms of adducing our product when it can be declassified. Through our analyses and our studies we hope to provide the public some visible return for its investment in us.

At the same time, we have been scrupulous in not talking about our sources or our methods, for the same reasons every one of you refuses to reveal your sources. We, as you, expect to protect their confidence, to use them again, and to encourage others to confide in us. We also protect information which is particularly useful to our policymakers because they alone have it and no one else suspects they have it. You, too, understand the value of an exclusive.

But controlling this openness depends on our being able to control access to truly secret information to reduce the danger of leaks. That is the most serious challenge to the intelligence profession today. We are asking the Congress to help us do this in three areas.

The Hughes-Ryan Amendment, enacted in 1974, requires that anytime we are to undertake a covert action, we must notify seven committees of the Congress. A covert action revealed to more than a handful of people risks lives unnecessarily, and mocks the title covert. We want to reduce that notification to the two committees that oversee us, on which the other six committees are represented. There would then still be knowledge of covert actions in those committees when needed.

We are also asking for very limited relief from the Freedom of Information Act. Today, when you, the Russian Embassy, or anybody else asks for information from our files, the law requires that we respond within ten days. Again, this a problem particularly because of the perceptions of foreign liaison services and foreign agents. How do you persuade someone to risk his life for you if he fears that I may be required by law to reveal his name in public? We are willing to provide our citizens any information we may have on them as individuals and to respond to inquiries about our product, but we must ensure our continued ability to protect sources from disclosure.

Lastly, we are asking for legislation to let us prosecute the traitorous disclosure of the names of our officers and agents around the world by people like Philip Agee. With acknowledged deliberateness, Mr. Agee and people of his ilk are trying to undermine a legally constituted institution of this government which you pay for with your tax dollars. With deliberate irresponsibility, they are making intelligence more expensive than it need be, vitiating to an extent our effectiveness, and putting American lives in jeopardy. To permit this to continue would be ludicrous.

None of the three relief measures I have just described constitute meaningful relaxation of controls over the Central Intelligence Agency. But, they are important steps toward restoring a modicum of essential secrecy.

In conclusion, secrecy, any secrecy, will always seem an anachronism in our society. And, covert action will always conflict with the American tradition of fair play. But, ultimately we must recognize that sometimes the Marquis of Queensbury's rules are inappropriate. If we are to continue to be free and function as a world leader, we must know what is going on. A strong intelligence capability is clearly necessary. Carping at a reasonable level of secrecy and reasonable freedom to act covertly against hostile countries is naive and destructive.

We, in the intelligence profession, are the sons and daughters of this nation just as you are. We are well aware of the nation's standards and your quite reasonable insistence in that they be preserved. We have no intention of violating your trust nor undermining the values that we are committed to defend.

We do not, however, ask simply to be trusted. We strongly endorse continuation of the oversight process both in the Executive and Legislative Branches. It holds us fully accountable for our actions; it permits us to function effectively; it works.

Today we are poised at a balance point which, if tipped any further in the direction of loosening controls over secrecy, will adversely affect our capability as a secret intelligence service. We do not ask to be unshackled. We ask to continue just as we have, successfully, over the past three years. I know of no accusation of illegality, impropriety, or abuse, nor any cause for such an accusation. I know of no inference that the oversight process has not been thorough or effective during that time.

As we construct a uniquely American model of intelligence, tailored to American values and our concept of the rights and privileges of the individual, yet permitting us to do what needs to be done to preserve our national security, I ask for your understanding and your support. Thank you very much.

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